Sri M. V. RAMA RAO.—Can anybody deny appeal and say 'no'? If the Government do not want to answer all the points raised by me, I cannot compel them.

Sri A. G. RAMACHANDRA RAO.—I have answered all the relevant points.

Mr. SPEAKER.—The question is:

"That the Mysore House Rent and Accommodation Control (Amendment) Bill, 1953, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Mr. SPEAKER.—Clauses. Clauses 2 to 16.

The question is:

"That Clauses 2 to 16 both inclusive, stand part of the Bill."

The motion was adopted.

Clauses 2 to 16, both inclusive, were added to the Bill.

Mr. SPEAKER.—Clause 1. The question is:

"That Clause 1 stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill.

Mr. SPEAKER.—Title and Preamble. The question is:

"That the Title and the Preamble stand part of the Bill."

The motion was adopted.

The Title and the Preamble were added to the Bill.

Motion to pass.

Sri A. G. RAMACHANDRA RAO.—I beg to move:

"That the Mysore House Rent and Accommodation Control (Amendment) Bill, 1953, as reported by the Select Committee, be passed."

Mr. SPEAKER.—The question is:

"That the Mysore House Rent and Accommodation Control (Amendment) Bill, 1953, as reported by the Select Committee, be passed.

The motion was adopted.

Mr. SPEAKER.—The next Bill. The Hon'ble the Revenue Minister.

Sri A. G. RAMACHANDRA RAO.—The Hon'ble Revenue Minister is coming in a few minutes. I beg permission to move the Bill on his behalf.

MYSORE (PERSONAL AND MISCELLANEOUS) INAMS ABOLITION BILL, 1953.

Motion to consider.

Sri A. G. RAMACHANDRA RAO (Minister for Law and Education).—Sir, I beg to move:

"That the Mysore (Personal and Miscellaneous) Inams Abolition Bill, 1953, as reported by the Joint Select Committee, be taken into consideration."

Mr. SPEAKER.—The House will now rise for lunch and meet at 3-15 P.M.

The House rose for Lunch at Forty-five Minutes past Two of the Clock and re-assembled at Twenty Minutes past Three of the Clock.

[Mr. SPEAKER in the Chair.]

*Sri Kadidal MANJAPPA (Minister for Revenue and Public Works).—Sir, it may be recalled that the Select Committee which considered this Bill is a Joint Select Committee. The Joint Select Committee met fourteen times. It heard the representatives of the inamdars and also of the tenants and it has considered the clauses of the Bill in great detail. After taking into consideration all the views and all aspects, the majority of the members felt that the report was very reasonable in the circumstances.

The Joint Select Committee have made some changes in the Bill. In the original Bill there was provision for

registering as occupants, kadim tenants, permanent tenants and quasi-permanent tenants and the inamdar in respect of the lands which are in his *khas* possession. The Joint Select Committee thought that there was no need to have a class of tenants known as *quasi*-permanent tenants. Quasi-permanent tenants are those tenants, according to the original Bill, who were cultivating the land for a period of not less than six years prior to 1948 ; and permanent tenants were those who under the provisions of the Land Revenue Code and under the terms of any contract were deemed as permanent tenants. I am referring to the provisions of the original Bill. The Joint Select Committee have enlarged the definition of permanent tenants so as to include all those tenants who were cultivating the lands for a period of 12 years prior to the date of vesting. Under the clause contained in the original Bill, the permanent tenants were defined like this :

> " 'Permanent tenant' means a person who either under section 79 of the Land Revenue Code or otherwise is entitled to a tenancy in respect of any land used for agricultural or horticultural purposes the duration of which is co-extensive with the tenure of the inamdar."

This definition does not help many tenants, because under the Land Revenue Code, a tenant can be deemed to be a permanent tenant only if the commencement of the tenancy is not known and if only the tenant is paying a uniform rate of rent for a fixed period. Many of us who are lawyers know that it is very difficult for a tenant to prove that he is a permanent tenant under section 79 of the Land Revenue Code. Therefore, we thought that the definition should be enlarged so that a large number of tenants may come under the definition of permanent tenants. The definition that we have made reads like this :

> "(12) : ' permanent tenant ' means a person who either under section 79 of the Land Revenue Code or otherwise is entitled to a tenancy in respect of any land used for agricultural purposes the duration of which is co-extensive with the duration of the tenure of the inamdar ; and includes a person who has been in continuous possession of any land used for agricultural purposes in an inam by cultivating such land thereon himself with his own stock or by his hired servants or by hired labour or with hired stock on payment of rent to the inamdar for a period of not less than twelve years prior to the date of vesting ;"

So according to this definition, it is sufficient for a tenant to claim the advantages of being a permanent tenant to prove that he was in possession of the land for a period continuously of 12 years prior to the date of vesting. Therefore, all those tenants who are cultivating lands on the date of vesting and have cultivated the land for a period of 12 years will become permanent tenants and they will be entitled to be registered as occupants of the land.

Next coming to the definition of quasi-permanent tenant, definition in the original Bill was like this :

> " 'Quasi-permanent tenant' means a person who has been in continuous possession of any land used for agricultural or horticultural purposes in an inam village and cultivating such lands or carrying on horticultural operations himself for a period not less than six years prior to the 1st of July 1948...,"

Now according to the enlarged definition of these tenants, those who would have got the benefit of this definition, namely, the definition of quasi-permament tenant, will come under the definition of permanent tenants, because as I have already said, a permanent tenant if he has continuously cultivated for a period of 12 years prior to the date of vesting, will get this benefit. It is now six years from 1948 to-day. So, all these quasi-permanent tenants will be permanent tenants according to the report of the Joint Select Committee.

(Sri KADIDAL MANJAPPA.)

The Bill has been simplified a great deal. Under the scheme that is envisaged in the report, the land which is being cultivated by a kadim-tenant will be registered in his name and the kadim-tenant will become the occupant. Permanent tenant will be registered as occupant of the land in respect of the lands in his possession and he will be required to pay some upset price as detailed in the report.

And then, communal lands, like forest, gomal tank-beds, streams, nalas and quarries, etc., will vest in Government. They will become the property of the Government.

3-30 P.M.

In the matter of compensation, we have made some changes.

Sri T. MARIAPPA (Mysore City-North).—May I interrupt my friend? Sir, in view of certain petitions on this question having been referred to the Petitions Committee of this House, will it not be worthwhile to take up this tomorrow to facilitate discussion? The report of the Petitions Committee will also be before the House and the Hon'ble Minister will be able to answer much better if he knows the contents of those petitions.

Mr. SPEAKER.—He is in the midst of his speech. He has already moved the Bill. Anyhow, it will have to be continued tomorrow also in view of those petitions having will to be considered by the Petitions Committee. The Committee, perhaps, will meet this evening and present its report by tomorrow. The discussions may be continued to-day and tomorrow also. I hope the Committee will meet either this evening or to-night.

Sri Kadidal MANJAPPA.—I was dealing with the question of compensation. According to the report of the Select Committee, the Inamdar will get compensation in respect of the lands registered in the name of Kadim tenant, permanent tenant and then lands which vest in Government. With regard to the lands which will be registered in the name of Kadim tenant, the inamdar will get compensation to the extent of twenty times the rent derived by him in respect of that land. In respect of lands which will be registered in the name of the permanent tenant, the inamdar will get 75 per cent of the amount payable by the permanent tenant to the Government as upset price. In respect of sites, fixed value per acre must be mentioned. In respect of other lands which will vest in the State, the Inamdar will get as compensation ten times the net revenue he was deriving from those lands. These are the major changes.

I may submit that there are no fundamental changes. Though my friend Sri Linga Reddy has stated in his minute of dissent that there are fundamental changes, I am sorry to observe that he has not gone through the Select Committee Report in great detail.

A MEMBER.—He was himself a member.

Sri Kadidal MANJAPPA.—He was a member. One of his objections is in regard to the payment of upset price by the permanent tenant. He says in his minute of dissent that the previous regime and also the Land Reforms Committee had fixed that the permanent tenant has to pay ten times the land revenue. My learned friend has forgotten the fact that on account of the enlarged definition of permanent tenant, not only the quasi-permanent tenant but also the other tenants will come under that definition. Therefore, the concession contemplated in the previous Bill cannot be given to the permanent tenants now. The State cannot afford to sustain heavy loss. Sir, the upset price fixed is very reasonable. The upset price fixed is a multiple of the land revenue as mentioned in the Schedule for each class of land, dry, wet and bagayat, and we have also taken into consideration the prevailing market value of the land and fixed the basic value. whichever is more, whether the basic value or the multiple of land revenue, the permanent tenant has to pay.

Sri G. A. THIMMAPPA GOWDA (Arkalgud).—Why is this differentiation between a permanent tenant and a kadim tenant?

Sri Kadidal MANJAPPA.—Kadim tenants are on the same footing as occupants in unalienated villages. In many cases the occupants were there when the inam was granted to the inamdar originally. Therefore, there is a lot of difference in so far as a kadim tenant annually pays land revenue to the inamdar, but not a permanent tenant. Especially this class of tenants who come under the enlarged definition were paying rent in kind, which is in some cases more than one-third and even up to one half.

Sri G. A. THIMMAPPA GOWDA.—I do not find any difference between a permanent tenant and a kadim tenant. They enjoy the same rights and privileges. . . . .

Sri Kadidal MANJAPPA.—The Hon'ble Member is a lawyer and I was also a lawyer. We have dealt with a number of cases under Section 79. Even permanent tenants who come under the definition of section 79 are not paying annual land revenue. In almost all the cases, in 99 per cent of the cases, they are paying the *gutta* or rent in kind.

Sri G. A. THIMMAPPA GOWDA.—It is ten times. That *gutta* they will have to pay. You are now asking them to pay twenty times.

Sri Kadidal MANJAPPA.—It is very difficult to prove because, there will not be any record with the tenant to show that he was paying a fixed rent. In his own interests we have said that it is better to base the upset price on the multiple of the land revenue and also the basic value.

Sri G. A. THIMMAPPA GOWDA.—In such cases where there are permanent records and where there is proof to show that he is a permanent tenant?

Sri Kadidal MANJAPPA.—In such cases, if we accept to adopt it, the tenants would be subjected to untold difficulties. A landlord can prove it; but, in the case of tenant it is not possible to prove regarding the quantum of rent he was paying.

Sri A. BHEEMAPPA NAIK (Molakalmuru).—Moreover, in more than 80 per cent of cases there is no fixed *gutta*; all is '*koru*', etc., according to the whims and fancies.

Sri Kadidal MANJAPPA.—My Hon'ble friend has not understood the matter at all. He must have some patience. If you do not mind I shall repeat. According to the definition in the original bill, the quasi-permanent tenant is a tenant cultivating the land for not less than six years prior to 1948. Now it is 1954. So, all these quasi-permanent tenants if they have continued to cultivate the land as tenants, will get the status of permanent tenant. Then, it is very difficult to prove that he was a tenant under section 79. For the benefit of the Hon'ble Member, I shall just read section 79 of the Land Revenue Code.

> "And where, by reason of the antiquity of a tenancy, no satisfactory evidence of its commencement is forthcoming, and there is not any such evidence of the period of its intended duration, if any, agreed upon between the landlord and tenant, or those under whom they respectively claim title, or any usage of the locality as to duration of such tenancy, it shall, as against the immediate landlord of the tenant be presumed to be co-extensive with the duration of the tenure of such landlord and of those who derive title under him."

So, where there is no satisfactory evidence regarding the duration of the commencement of the tenancy, the question of permanent tenancy arises. The tenant must prove that there is no evidence at all. Supposing he has executed a single lease deed; it is sufficient to prove that he is not a permanent tenant.

In the following cases, such a presumption shall be raised:—

"Where the tenant holds land in respect of which any alienation has been recognised."

In how many cases? They are few.

"Where for the better cultivation of the holding the tenant has made permanent improvements thereon....."

(Sri KADIDAL MANJAPPA.)

It is very difficult to prove that he has made permanent improvement.

"Where in the absence of a contract regarding the nature and duration of the tenancy, the tenant has established that he has been in continuous possession on payment of fixed rent for a period of twelve years....."

It is very difficult to prove for a tenant that he was cultivating the land paying fixed uniform rate of rent. Therefore I submit.....

Sri G. A. THIMMAPPA GOWDA.—What I said is, there are many cases which have been proved; this assessment works hard upon these permanent tenants.

Sri Kadidal MANJAPPA.—Not at all. I have bestowed serious thought and all the Hon'ble members are experienced members and the Select Committee has taken all the objections that you have raised into consideration.

Sri A. BHEEMAPPA NAIK.—I want to know another thing. What is the meaning of:

"In respect of other lands, excepting the lands on which buildings have been put up are owned by persons other than the inamdar, the inamdar himself will be registered as occupant."

Sri Kadidal MANJAPPA.—'other lands' refer to our communal lands, forest, gomal, etc. That is clear.

Sri A. BHEEMAPPA NAIK.—What is that grammar? What is the English? Where do you add this 'are'?

Sri Kadidal MANJAPPA.—We are not in a grammar class.

Sri A. BHEEMAPPA NAIK.—We are in Legislature class though not in a grammar class.

Sri Kadidal MANJAPPA.—It can be made more clear. It is a grammatical error. It must be 'which'. These are the main provisions of the Bill which are more important than what is said in the report itself.

Mr. SPEAKER.—There is the dissenting note of Sri M. V. Rama Rao.

Sri Kadidal MANJAPPA.—I have have answered the point raised by Sri Linga Reddy regarding the upset price. He has said that the report of the Select Committee is not revolutionary in nature. What is not revolutionary depends on the subjective than the objective. It depends on the temperament, and mood ideas of the man. I myself who championed the cause of the raiyats feel that it is fairly revolutionary. Sri Linga Reddy said that it has culminated in the Inamdars, paradise. On the other hand, the Inamdars are accusing the Government and the members of the Select Committee that they have reduced the compensation and they have deprived them of the privileges that they enjoyed in the unalienated villages. One main objection raised by Sri Linga Reddy is that the lands which are being cultivated by the tenants-at-will should be registered in their names. I see some force, but not all force. Many of the members of the Select Committee felt that a similar concession is not being given to the raiyats who are cultivating lands under the zamindary unalienated villages. If you concede that the tenant-at-will cultivating the land under the Inamdar should be registered as an occupant because he was cultivating the land for a period of one year or two years or three years, why should we not give the same right to the tenants cultivating the lands under the zamindar in unalienated villages?

Sri H. C. LINGA REDDY.—I have not said that every tenant-at-will.....

Sri Kadidal MANJAPPA.—That is the implication.

Sri H. C. LINGA REDDY.—Tenants who have been in possession for more than six years can be treated as quasi-permanent tenant and the rest of the land as Government land.

Sri Kadidal MANJAPPA.—The next point raised by Sri Linga Reddy is that no provision is made in the report to safeguard the interests of those tenants who are eliminated subsequent to 1949. Sir, you know that subsequent to 1948 there was an Act called "Mysore Alienated Villages (Protection of Tenants and Miscellaneous Provisions) Act and that Act safeguards the interest of the tenants. The tenants eliminated

could have had their redress under that Act.

ಶ್ರೀ ಜಿ. ಎ. ತಿಮ್ಮಪ್ಪಗೌಡ.—ಈಗ ಕೆಲವು ಕೇಸುಗಳು ತೀರ್ಮಾನಿಸಲ್ಪಟ್ಟಿವೆ ಮತ್ತೆ ಕೆಲವು ತೀರ್ಮಾನವಾಗಿಲ್ಲ. ಈಗ ಡಿನೊ್ಯಟಿಫೈ ಆಗಿರುವ ಕೇಸುಗಳಿಗೆ ಹಿಂದಿನ ಆಕ್ಟು ಹೊರಟುಹೋಗಿ ಈ ಹೊಸ ಆಕ್ಟು ಜಾರಿಗೆ ಬಂದಮೇಲೆ ಏನು ಪರಿಣಾಮವಾಗುತ್ತದೆ ?

Sri Kadidal MANJAPPA.—That is a matter of interpreting the law. That will come into force subsequently. I may answer that, if the Hon'ble Member mentions it in his speech to-morrow. Sri Linga Reddy said that 75 per cent of the persons cultivating lands in alienated villages are tenants-at-will. I beg to differ from him. I made some enquiries in the matter. 75 per cent of the tenants are kadim tenants or permanent tenants.

Sri H. C. LINGA REDDY.—Question.

Sri Kadidal MANJAPPA.—Coming to the minute of dissent by Sri M. V. Rama Rao, I should frankly confess that I was unable to understand his point of view. I heard him when he spoke when the Bill was taken up for consideration, I heard him in the Select Committee and I must confess I have not understood his point of view at all.

Sri H. C. LINGA REDDY.—You will hear me again to-morrow. I hope you will understand me at least this time.

Sri Kadidal MANJAPPA.—If the Hon'ble Member takes the trouble of going through his speech in this House at the consideration stage and during the Select Committee stage he can understand what his views are.

In conclusion, I must add...

Sri A. BHEEMAPPA NAIK.—This does not refer to any definite provision of law, except in vague terms.

Sri Kadidal MANJAPPA.—Thank you. The report of the Select Committee is the outcome of a good deal of deliberation and thought. We have taken into account the view of the Inamdars, the views of the tenants and also the interests of the Government and I may add that the Report of the Select Committee, if it is approved by this House, will save several lakhs of rupees to the State.

Sri J. MOHAMED IMAM (Jagalur).—In respect of what ?

Sri Kadidal MANJAPPA.—In the matter of compensation and on account of the upset price. Under these circumstances, I commend the Bill...

Mr. SPEAKER.—How many acres of land they will give ?

Sri Kadidal MANJAPPA.—To-morrow I will be able to say it. I commend the Bill for the approval of this House.

Mr. SPEAKER.—Motion moved :—

"That the Mysore (Personal and Miscellaneous) Inams Abolition Bill, 1953, as reported by the Select Committee, be taken into consideration."

Sri J. MOHAMED IMAM.—Further consideration of the Bill may be taken up to-morrow.

Mr. SPEAKER.—In view of that Committee's report which is being awaited, we will take up the next Bill then.

Sri J. MOHAMED IMAM.—Many members feel that they need rest. They had an arduous journey from their places. If the Government have no objection.....

Some MEMBERS.—We are not tired.

Mr. SPEAKER.—I quite see the point. It is difficult for the gentlemen who are residing in Bangalore City to realise it.

Sri J. MOHAMED IMAM.—Specially the train service is hopeless.

Sri H. SIDDAVEERAPPA (Minister for Home and Industies).—If my friend has no objection, a very small measure like the Police (Amendment) Bill may be taken up now.

MEMBERS : No, no. We will rise for the day.

Mr. SPEAKER.—I can guess what it is. The House will now rise for the day and meet tomorrow at 8-30 A.M.

The House adjourned at Fifty-seven Minutes past Three of the Clock to meet again at Thirty Minutes past Eight of the Clock on Tuesday, 2nd March 1954.

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